

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA**

**ZURICH AMERICAN INSURANCE
COMPANY, a corporation,**

Plaintiff,

V.

**JUNIORETTE GRIFFIN SMITH, as
administratrix of the estate of ROGER
DALE SMITH, DECEASED,**

Defendant.

[illegible]

CIVIL ACTION No. CV-07-216

JOINT STIPULATION OF DISMISSAL

COME NOW the parties, Plaintiff Zurich American Insurance Company (“Zurich”) and Defendant Juniorette Griffin Smith, as administratrix of the estate of Roger Dale Smith, deceased (“Defendant”), and, pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), jointly stipulate to the dismissal of all claims in the above-captioned action as follows:

1. The parties jointly stipulate that the claim for declaratory judgment asserted by Zurich against Defendant is dismissed without prejudice, costs taxed as paid
2. The parties jointly stipulate that the counterclaims, and each of them, asserted by Defendant against Zurich are dismissed with prejudice, costs taxed as paid.

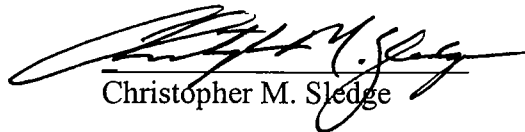
Vernon L Wells, Jr. *Vernon L Wells, Jr.*

Vernon L. Wells, II
J. David Moore

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Smith, as Administratrix of the Estate of
Roger Dale Smith, deceased

OF COUNSEL


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Andalusia, Alabama 36420

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing Joint Stipulation of Dismissal Motion has been electronically filed with the Clerk of Court using the ECF system which will send notification of such filing to the following:

Christopher M. Sledge
WOODARD, PATEL & SLEDGE
1213 East Three Notch Street
Andalusia, Alabama 36420

This the 19 th day of May, 2008.



Of Counsel